



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

CHIEF EXECUTIVE OFFICER, A. P. STATE WAQF BOARD

4th FLOOR, IMDADGHAR, OPP: KALESWARAO MARKET, VIJAYAWADA.

F.No.786 / KST / T / 2014 / Z-V.

Date: 08-11-2022.

NTR DISTRICT - VIJAYAWADA CITY - RUN HUSSAINI PANJA LANKA PEER PANJA SITUATED AT PANJA CENTRE, WHYNCHIPET, VIJAYAWADA CITY - Sri SHAIK JHEELANI @ SAIDA S/o. MAHABOOB APPOINTED AS MUTAWALLI U/SEC.63 OF WAQF ACT, 1995 FOR A PERIOD OF TWO (2) YEARS.

Read :1. Application of Smt. Shaik Fathimunnisa dated.17-11-2014.
2. Report of the I.A.Waqfs, Krishna Dist received on 16-01-2015 along with affidavit for appointment of Sri Shaik Jilani, dt.16-01-2015.
3. Report of the I.A.Waqf, Krishna Dist, dt.21-02-2015.
4. Application of Sri Shaik Suleman S/o Sarwar.dt.03-03-2015.
5. This office Proceeding, dated.06-06-2015.
6. This office Proceedings No. dated.03-05-2016.
7. Enquiry report submitted by Sri Nazeer Ahamed Khan, EO dated. 19-12-2018.
8. Representation of Sri Shaik Suleman S/o Late Sarwar, dt.15-07-2019.
9. This office Proceedings even no. dated.29-08-2019.
10. Letter received from Sri Syed Abdulla Sab, Legal Advisor, APSWB, dated.31-08-2019.
11. Representations dated.07-02-2022, 09-05-2022 received from Sri Shaik Jeelani, along with orders passed by the Hon'ble High Court of A.P., dated.20-01-2022 in WP No.1362/2022.
12. Legal notice dated.07-03-2022 issued by Sri B. Nageswara Rao, Advocate on behalf of Sri Shaik Suleman S/o. late Sarvar.

13. WA No.451/2022 filed by Sri Suleman S/o Sk. Sarvar Saheb, Vijayawada, against Sri Shaik Jeelani and (4) others before the Hon'ble High Court of A.P.
14. Board's Resolution No.368 of 2022, dated:24-08-2022.
15. Orders of the Hon'ble Chairperson, APSWB, dated.15-09-2022.

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ORDER:

The Institution namely Run Hussaini Lanka Peer Panja situated at Panja Center, Vijayawada City, Krishana District is a notified Waqf and got published in A.P.Gazette No.26, dated.28-06-1962 at Sl.No.708, under the Towliath of Janab Shaik Dada.

In the reference 1st read above, an application received from Smt. Shaik Fathimunnisa, S/o Shaik Rahmatulla (father in Law of Notified Mutawalli) requesting to appoint her daughters & her grandsons as Mutawalli. The Inspector Auditor, Waqfs, Krishna District has forwarded the said application vide reference 2nd read above that the applicant of Smt. Fathimunnisa S/o Rahmatulla and her family members have submitted an affidavit of her family members authorized to appoint to Sri Shaik Jeelani @ Shaida (Paternal grandson of notified Mutawalli) as Mutawalli to the subject institution.

In the reference 4th read above, an application received from Sri Shaik Suleman, S/o Late Shaik Sarwar has requested to appoint him as Mutawalli in respect of Subject institution.

Against the above two claims, this office has appointed to Janab Fhathe Khan, as Enquiry Officer vide reference 5th read above to conduct Enquiry in to the matter on claims of Mutawalli ship.

Janab Fhathe Khan, Enquiry Officer (Telangana) has returned this file to A.P.State Waqf Board with a reason that bifurcation of Andhra and Telangana States.

Basing on the orders of the Competent Authority dated.30-04-2016, this office has issued Proceedings dated. 03-05-2016 in favour of Janab Nazeer Ahamed Khan as Enquiry Officer in place of Janab Fathe Khan vide reference 6th read above to conduct Enquiry in to the matter on claims of Mutawalli ship and to submit report.

Accordingly, the enquiry officer has conducted and submit his enquiry report dated.19-12-2018 vide reference 7th read above the same is reflected here under:

"On 29-01-2014 Sri Shaik Sarvar remitted an amount of Rs.1400/- towards Waqf Fund for the year 2013-2014 vide receipt No.18360 dated.29-01-2014 on

19-12-2014 and also remitted an amount of Rs.1400/- towards Waqf Fund for the year 2012-2013 vide receipt No.19394 dated.19-12-2014 and the name of Mutawalli in the receipt is shown as Shaik Dada Saheb.

Further Sri Aktar Basha for Savar Saheb i.e. son of Shaik Sarvar remitted Rs.1400/- towards Waqf Fund for the year 2011-2012 vide receipt No.9897 and the name of Mutawalli is shown as Dada Saheb.

From the above it is evident that Sri Shaik Dada Saheb was a Gazette notified Mutawalli of Run Hussaini Panja Vijayawada, but Sri Shaik Suleman S/o Late Shaik Sarvar wrongly and falsely claimed himself as great grandson of Shaik Dada Saheb, whereas he is great grandson of Shaik Mastan and son of Shaik Sarvar.

Further Sri Shaik Suleman in his deposition Chief Cross examination by the Advocate of opposite party before Enquiry Officer on 23-10-2018 deposed that due to typographical mistake it was mentioned Dada Saheb as his faster-in-law instead of great grandfather and added that Dada Saheb is his father's grandfather's brother. From this it is crystal clear that Sri Shaik Suleman is not the great grandson of Gazette Notified Mutawalli Sri Shaik Dada Saheb but he is actually great grandson of Shaik Mastan Saheb and hence he is not entitled to claim himself for Mutawalliship and on the other hand Sri Shaik Jeelani @ Shahida can claim himself for Mutawalliship and on the other hand Sri Shaik Jeelani @ Shahida can claim himself to be the legal heir/claimant to the post of Mutawalliship as he is maternal great grandson of Shaik Dada Saheb notified Mutawalli i.e. maternal grandson of Shaik Rahmatulla the only son of late Shaik Dada Saheb notified Mutawalli and grandson of Smt. Fatimunnisa W/o late Shaik Rahmatulla and son of Ummatunnisa elder daughters of Shaik Rahmatulla and his wife Smt. Fatimunnisa.

In the reference 8th read above, Sri Shaik Suleman S/o Late Sarvar , has represented that the Enquiry Officer without considering the evidentiary facts material on record and also the cross examinations and presented his report one-sidedly for the reason best know to him and request to order for fresh enquiry.

This office has issued Proceedings dated. 29-08-2019 in the ref.9th read above in favour of Janab Syed Abdulla Sab, Legal Advisor, as Enquiry Officer, to conduct fresh Enquiry in to the subject matter.

In the reference 10th read above, a letter received from Janab Syed Abdulla Sab, Legal Adviser, APSWB, that it is not possible to him to come over to Vijayawada and stay there for recording the evidence of witnesses during the date of hearing . The Enquiry Officer cannot issue summons to the witness when they are staying at distance of more than 100 KM from the place where the enquiry office holds the enquiry at Hyderabad and requested to cancel his appointment as Enquiry Officer to avoid legal complications and prejudice to the parties.

Further, this office has issued an officer order on 10-08-2021 in favour of the Inspector Auditor, Waqfs, Krishna District to perform Moharram ceremony, 2021 of the subject institution as per the rituals in practice in accordance with prescribed Guidelines indicated in G.O.Rt No.123, dated.06-08-2021 issued by the Minorities Welfare Department, Govt. of A.P. Further, earlier also issued an Office order dated.29-08-2019 to perform Moharram ceremony.

In the reference 11th read above, representations dated.07-02-2022 and 09-05-2022 are received from Sri Shaik Jeelani @ Saida along with copy of orders passed by the Hon'ble High Court of A.P. in W.P.No.1362/2022, dated.20-01-2022 that keeping in view the nature of the controversy, deems it appropriate to dispose of this Writ Petition with a direction to respondent No.2 (i.e. Chief Executive Officer) to verify the representation dated.05-10-2020 and 13-09-2021 submitted by the petitioner and take appropriate action/pass appropriate orders, as expeditiously as possible preferably with a period of (3) three months from the date of receipt of copy of this orders.

In the reference 12th read above, legal notice dated.07-03-2022 was received from Sri B. Nageswara Rao, Advocate, Vijayawada on behalf of his client of Sri Shaik Suleman S/o Late Sarvar that Sri Shaik Jeelani @ Saida is suppressing the facts of appointment of new enquiry officer and got direction from the Hon'ble High Court in W.P.No.1362/2021. Sri Shaik Jeelani @ Saida is unknown person and he is no way connected with the Mutawalliship and the property and requested enquiry into the subject matter.

Sri Shaik Suleman S/o.SK Sarvar Sab has filed Writ Appeal No.451 of 2022 against the orders passed in W.P No.1362 of 2022 dated.20-01-2022 before the Hon'ble High Court of A.P with a prayer that respondent No.1 Writ Petitioner i.e. Shaik Jeelani @ Saida is not having right over property, as the subject matter of Mutawalliship of Lanka Peer Run Hussaini Panja Ashoorkhana at Vijayawada is not come under purview of Waqf Board.. Further prayed the Hon'ble Court may be pleased to allow the Writ Appeal by setting aside the Order dated. 20-01-2022 passed in WP No.1362 of 2022 and the Writ Appeal is pending before the Court without any orders.

The above said facts was placed before the Hon'ble Chairperson and the Hon'ble Chairperson passed orders to place the matter before the Board for discussion and to take decision in the subject matter

Accordingly, the above facts are put forth before the Board and the Board was passed resolution No.368 of 2022, dated.24-08-2022 vide ref. 14th read above to appoint Sri.Shaik Jeelani @ Saida as Mutawalli U/sec.63 of Waqf Act, 1995 for a period of two (2) years for Run Hussaini Panja Lanka Peer Panja situated at Panja Center, Vijayawada City of NTR District.

Accordingly, Sri.Shaik Jeelani @ Saida S/o. Mahaboob is hereby appointed as Mutawalli to Run Hussaini Panja Lanka Peer Panja situated at Panja Center, Vijayawada City of NTR District U/sec. 63 of Waqf Act, 1995 for a period of two (2) years for managing the affairs of the subject Waqf Institution by following Waqf Act,1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts U/sec.46 of Waqf Act, 1995 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995 as the duties mentioned below.

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereto.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.
- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "Every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable

for penal action. The Mutawalli shall also noted that Sec.3 (ee) defined encroacher, Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The APSWB reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To

Sri.Shaik Jeelani @ Saida S/o. Mahaboob,
Mutawalli of Run Hussaini Panja Lanka Peer Panja,
Panja Center, Vijayawada City, NTR District.

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